

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

GABRIEL M. SMITH, PRO SE,	§	
also known as	§	
GABRIEL MARQUETTE SMITH,	§	
TDCJ-CID No. 1052786,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:08-CV-0103
	§	
TEXAS TECH UNIVERSITY, S. REILLY,	§	
TIMOTHY REVELL, JULITO UY,	§	
JOHN DORMAN, DR. NFN FOUST,	§	
J. TREVINO, JOE GRIMES, and	§	
GUY SMITH,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff GABRIEL M. SMITH, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and has been granted permission to proceed *in forma pauperis*.

On February 12, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending dismissal with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted.

On February 24, 2010, plaintiff filed his Objections.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by GABRIEL M. SMITH is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

Signed this the 2nd day of March, 2010.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
United States District Judge